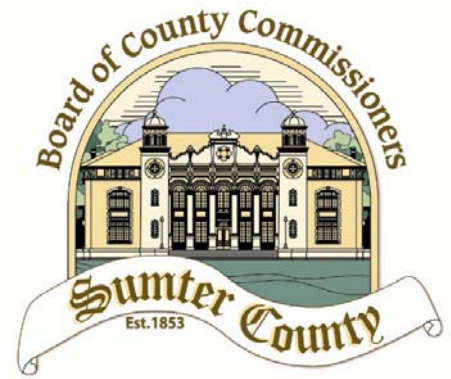


Board of County Commissioners

Division of Planning & Development

Code Compliance Department

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274
SunCom: 665-0270 • Website: <http://sumtercountyfl.gov/plandevelop>



CODE ENFORCEMENT BOARD

July 9, 2007

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, July 9, 2007, at 6:00 PM, followed by the Pledge of Allegiance.

The following Board members were present: Chairperson-Horton Barnes, Charles Castle, Drexel Clark, Terry Pasko, Tommy Messer, Cheryl Barnes, and Dixie Ruzzo.

Present from Code Compliance were Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, and Alysia Akins-Code Enforcement Board Secretary.

Lee Hawkins, attorney for Sumter County Code Compliance Inspectors, was present.
Randall Thornton, attorney for the Code Enforcement Board, was absent.

Mr. Clark made a motion to approve the minutes from the June 11, 2007 meeting. Mr. Pasko seconded the motion and the motion carried.

Ms. Love and Mr. Folden were sworn in.

Old Business:

The following case has not complied:

CE2006-0712/Glover

The following case consisted of an extension request:

CE2006-0734/Stumpp

Attorney Hawkins informed the Board the Respondents called staff on this date to inform them they would be unable to attend the meeting due to being incapable of affording the gas it requires to travel to the courthouse. Attorney Hawkins explained Sumter County Code does not currently have provisions that allow the Code Enforcement Board to grant extensions after an order is made. Mr. Barnes explained precedence has already been made since they have granted extensions in the past. Attorney Hawkins stated the Respondents were not in compliance at this time. Attorney Hawkins reminded the Board the Respondents did not appear at the original hearing and the tarps still remain on the roof of the home. The Sumter County Code provision allowing costs and fines to be collected was discussed. Ms. Love explained Mr. Stumpp has cancer, and his granddaughter who also resides in the home, is disabled. Ms. Love reported no grant assistance documentation has been submitted to staff. Attorney Hawkins discussed the letter of extension request from the Respondents that was submitted. The Respondents' letter of extension request included a breakdown of the Respondents' monthly income and costs. Attorney Hawkins clarified the letter requested an extension of time for the required building permits.

Mr. Messer moved to approve the extension request for an additional 30 days to allow the Respondents to obtain the required building permits. Mr. Clark seconded the motion and the motion carried with Mr. Castle voting against the motion.

New Business:

The following case has complied:

CE2007-0087/Tolson-Moss

Case: CE2007-0121

Owner Name: CW and Mary L. Pratt

Location Address: 9536 CR 622, Bushnell

Parcel: L13B222/OR-116, PG-344

Code Violations: 6-104(1), 6-104(2), 6-104(3), 6-104(4), 6-104(5), and 13-E.3.1.2 SHC 307.4

The Respondents' son, George A. Pratt, was present and sworn in. Mr. Folden testified the Notice for Hearing was sent by certified mail, and was received on 4/12/07. Mr. Folden testified his initial inspection was on 3/13/07. Mr. Folden testified his most recent visit to the property on 7/9/07 revealed the Respondents were not in compliance. Mr. Folden submitted photographs into the record that were taken on 3/13/07, 3/26/07, 4/30/07, 5/22/07, 6/25/07, and 7/9/07, which reflect the violations. Mr. Folden testified homestead exemption is not filed on the property. Mr. Folden testified he has not received any contact from the Respondents. Mr. Folden testified the front yard has been mowed and progress has been made to clean the property as of last week due to dumpsters being present on the property.

Mr. Folden recommended the property be brought into compliance within 30 days by removing the inoperable vehicles, trash, litter, debris, and mobile home, repairing/removing the fence, and paying staff costs in the amount of \$370.45. If not, a \$25 daily fine be ordered by the Board to begin accruing after 30 days, and an automatic \$10 daily fine be ordered if found in violation at a later date.

Mr. Pratt testified he was not notified of the violation from his parents until two weeks ago. Mr. Pratt requested a two-month time period to bring the property into compliance. Mr. Pratt testified he has mowed a portion of the property, is trying to get the inoperable vehicles towed, has torn down the mobile home, and will also remove the camper. Mr. Pratt also testified he has made temporary repairs to the fence.

Mr. Castle made a motion to order the Respondents to bring the property into compliance within 60 days by removing the mobile home, camper, trash, litter, debris, and inoperable vehicles, repairing/removing the fence, and 30 days to pay staff costs in the amount of \$370.45. If not, a \$25 daily fine shall be assessed if found in violation after the ordered dates. The motion also included an automatic \$10 daily fine if found in violation in the future. Mrs. Ruzzo seconded the motion and the motion carried.

Mrs. Akins informed Mr. Pratt she would send a copy of the Board order to him.

Case: CE2006-0748

Owner Name: Ken Hemmeke

Location Address: 1555 CR 435, Lake Panasoffkee

Parcel: F32Q002/OR – 598, PG – 231

Code Violation: 6-104(2), 6-104(4), and 13-E.3.1.2 SHC 307.4

The Respondent was not present. Ms. Love testified the Notice for Hearing was sent by certified mail.

Ms. Love testified 7/9/07 was her most recent visit to the property, in which the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 11/29/06, 1/12/07, 7/2/07, and 7/9/07, which reflect the violations. Ms. Love testified her initial inspection was on 11/29/06. Ms. Love testified she has been in contact with the Respondent regarding the violations. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified the inoperable vehicles have been removed. Ms. Love testified the property was overgrown; however, has been mowed. Ms. Love discussed the numerous boats located on the property, in which some are being used for storage. Ms. Love testified the Respondent is unemployed and resides on the property.

Ms. Love recommended the Respondent be granted 30 days to remove the trash, debris, appliances, boats, bikes, and similar items. Ms. Love also recommended costs in the amount of \$370.45 be paid within 30 days. If not, a \$25 daily fine be ordered by the Board.

Mrs. Ruzzo made a motion to order the Respondent to remove the trash, debris, appliances, boats, bikes, and similar items, and pay staff costs in the amount of \$370.45 within 30 days; failure to bring the property into compliance and pay staff costs within 30 days will result in a \$25 daily fine for each and every day the property remains in violation. Mr. Pasko seconded the motion and the motion carried with Mr. Castle voting against the motion.

The Board members held a lengthy discussion regarding the definition of a “boat” and whether it can be considered as an “abandoned item”.

Case: CE2007-0244

Owner Name: Robert Leborne

Location Address: 461 NW 87th Road, Wildwood

Parcel: C33=014/OR – 1456, PG – 694

Code Violations: 13-763(e)(3), 21-1(A), and 13-E.3.1.2 SHC 307.4

The Respondent was not present. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 7/9/07 was her most recent visit to the property, in which the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 4/26/07, 5/1/07, 5/25/07, 6/4/07, 6/21/07, 6/28/07, and 7/9/07, which reflect the violations. Ms. Love testified her initial inspection was on 4/26/07. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified the only contact with the Respondent was on 7/6/07, in which Mr. Leborne informed her that he would be unable to attend the hearing due to his permanent residence being in California. Ms. Love stated that Mr. Leborne plans to meet with Mr. Folden at the property on 7/16/07 since Ms. Love will be unavailable at that time. Ms. Love testified she has also been in contact with JJJ Tree Service, in which she personally witnessed dumping tree debris on the property. Ms. Love testified the property consists of approximately 11 acres, in which 10 acres are fenced and the remaining 1 acre has a mobile home. Ms. Love testified she notified the Sumter County Sheriff's Department of the violation concerning illegal dumping. Ms. Love testified regarding the numerous items found on the property, including but not limited to: a cooler with a foul odor, tree debris,

furniture, appliances, motor vehicle parts, office furniture, wheelchairs, etc. Ms. Love testified the Raffensbergers, Directors of JJJ Tree Service Corporation, claim to have the Respondent's permission to dump debris on the property; however, the Respondent does not agree. Ms. Love testified the

property is accessible due to the absence of “No Trespassing” signs, in which the Respondent gave Ms. Love permission to close the gate. Mr. Messer advised Ms. Love to notify the Florida Department of Environmental Protection of the violations. Ms. Love testified she has informed the Respondent of the necessary burn permits required for removal of the tree debris.

Ms. Love recommended the Respondent be ordered to cease and desist all dumping immediately, remove all trash and debris, and obtain the necessary burn permits, within 30 days. If not, a daily fine shall be ordered by the Board.

Mr. Messer made a motion to order the Respondent to bring the property into compliance by immediately ceasing and desisting all dumping, removing the trash and debris, obtaining all required burn permits, and paying all staff costs due in the amount of \$285.48, within 30 days; failure to bring the property into compliance and pay staff costs due within 30 days will result in a fine in the amount of \$50 per day for each and every day the property remains in violation. Mr. Castle seconded the motion and the motion carried.

Additional New Business:

Mrs. Barnes made a motion to recommend to the Board of County Commissioners to include a provision in the Sumter County Code addressing the definition of “boats” and/or “abandoned boats”. Mrs. Ruzzo seconded the motion and the motion carried.

There being no further business, Mrs. Ruzzo made a motion to adjourn. Mr. Messer seconded the motion and the motion carried.

The meeting adjourned at 7:05 PM.

Chairperson

Recording Secretary